



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Insurance Commissioner

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: These new regulations update the current continuing education regulations to accommodate changes in the delivery of continuing education, changes in insurance laws and practices and update curriculum requirements and procedures.

Insurance Matter No. R 2004-04

Citation of existing rules affected by this order:

Repealed: WACs 284-17-235, 284-17-275
Amended: WACs 284-17-200, 284-17-210, 284-17-220, 284-17-230, 284-17-240, 284-17-250, 284-17-260, 284-17-270, 284-17-280, 284-17-290, 284-17-310, 284-17-320
Suspended:

Statutory authority for adoption: RCWs 48.02.060, 48.17.150, 48.17.563, 48.85.040

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-03-110 on 1/19/05 (date).

Describe any changes other than editing from proposed to adopted version:

- WAC 284-17-220 "solicitors" was added to both sentences.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: March 17, 2005

NAME (TYPE OR PRINT)

Mike Kreidler

SIGNATURE

TITLE

Insurance Commissioner

CODE REVISER USE ONLY

Information input by Agency

**CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED**

MAR 17 2005

TIME 11:14 **AM.**
WSR 05-07-091

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>36</u>	Amended	<u>12</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order R 89-10, filed 9/15/89, effective 10/16/89)

WAC 284-17-200 ((Purpose.)) What is the purpose of the continuing education regulation? The purpose of ~~((this regulation))~~ WAC 284-17-200 through 284-17-320 is to implement the provisions of RCW 48.17.150 ~~((promoting licensee competence, by establishing))~~. This regulation establishes the minimum continuing education requirements that must be met prior to the renewal of an insurance agent, solicitor or broker license, and ~~((by specifying))~~ specifies minimum criteria ~~((which))~~ that must be met in order to qualify insurance courses for approval.

AMENDATORY SECTION (Amending Order R 89-10, filed 9/15/89, effective 10/16/89)

WAC 284-17-210 ((Definitions.)) What definitions are important throughout this chapter? As used in this continuing education regulation, unless the context requires otherwise:

~~((1) "Provider" means "insurance education provider" as defined in section 2, chapter 323, Laws of 1989.~~

~~((2) "Approved course" includes courses, programs of instructions, correspondence courses and seminars.~~

~~((3) "Licensee" means each natural person licensed as a resident insurance agent, solicitor or broker to sell life, disability, property, or casualty insurance. An individual holding a limited license to sell credit life and disability insurance, or travel insurance, or holding a license to sell only vehicle insurance or surety insurance, need not satisfy the continuing education requirement.~~

~~((4) "Credit hours" means the value assigned to a course by the commissioner, upon review and approval of course materials and content outline.~~

~~The number of credit hours assigned to a course will normally be based upon the number of classroom contact hours or their equivalent. However, based upon the evaluation of the course content, the number of credit hours assigned may be less than the total amount of time spent by the licensee in the course.~~

~~For college level work entirely on approved subjects:~~

~~((a) Twelve credit hours will be assigned for each quarter "credit hour."~~

~~((b) Sixteen credit hours will be assigned for each semester "credit hour."~~

~~((5) "Certificate of completion" means a document signed by the course instructor or other responsible officer of the~~

~~provider signifying satisfactory completion of the course and reflecting credit hours earned. Such certificate shall be in standard form, completed in its entirety, and containing such identifying information as is prescribed by the insurance commissioner.))~~ (1) "Approved course" means an educational insurance related program including correspondence courses and seminars that have been approved by OIC.

(2) "Credit hours" means the value assigned to a course by the OIC.

(3) "Certificate of completion" means a document signed by the course instructor or other responsible officer of the provider signifying satisfactory completion of the course and reflecting credit hours earned. The certificate shall be in standard format, completed in its entirety, and containing such identifying information as is prescribed by the OIC.

(4) "Course number" means the identifying number assigned by OIC for an approved course.

(5) "Course outline" includes summary content and the time allotted by topic.

(6) "Days" means calendar days including Saturday and Sunday.

(7) "Designation course" includes professional studies taken to achieve nationally recognized professional distinctions.

(8) "Instructor" means an individual knowledgeable in topic(s) of discussion.

(9) "Licensee" means an individual licensed under Title 48 RCW, as a resident insurance agent, solicitor or broker to sell life, disability, property, casualty or vehicle insurance. An individual holding a limited license to sell credit life and disability insurance, or travel insurance, or holding a license to sell surety insurance, need not satisfy the continuing education requirement.

(10) "Long-term care (LTC) special education" means education required by individual resident and nonresident agents and brokers prior to transacting long-term care insurance.

(11) "Long-term care (LTC) special education refresher course" means a condensed version of the LTC special education course.

(12) "Monitor" is an individual responsible for verifying class attendance and course content completion.

(13) "Override commission" means compensation received for the sale of insurance by a licensee who is not directly involved with a consumer.

(14) "OIC" means the Washington state office of insurance commissioner.

(15) "Provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington

statutes, or vocational school or independent contractor to which the OIC has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of resident individual agents and brokers.

(16) "Provider number" is the identifying number assigned by OIC to an approved provider of insurance education.

(17) "Refresher LTC special education" means a condensed version of the LTC special education course.

(18) "Reinstatement" means the reissuance of a license that has expired more than sixty days but less than two years from the expiration date of the previous license.

(19) "Request for approval" is a submission of information required for approval of a provider and course.

(20) "Resident" means a licensee who resides in Washington state.

(21) "Roster" is a course attendance record or course purchase and completion record maintained by the provider.

(22) "Schedule" means written notification of when a course will be offered.

(23) "Self-study" means a method of study independent of a classroom setting.

(24) "Surety" insurance includes credit insurance, bail bonds, fidelity, insurance contract performance guarantees, bonds, guarantee undertakings, and contracts of suretyship, and indemnification of banks, bankers, brokers, financial or moneyed corporations or associations against certain losses enumerated in RCW 48.11.080(5).

(25) "Transacting" means solicitation, negotiations preliminary to execution, execution of an insurance contract, transaction of matters subsequent to execution of the contract and arising out of it and insuring.

(26) "Vehicle insurance" includes insurance against loss or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therefrom, and against any liability resulting from or incident to ownership.

(27) "Waiver" means an OIC approved exemption from the continuing education requirement.

LICENSEES

AMENDATORY SECTION (Amending Matter No. R 98-9, filed 5/20/98, effective 6/20/98)

WAC 284-17-220 ((Continuing education requirement.)) Who is required to meet continuing education (CE) requirements?

~~((1) Twenty-four credit hours of approved continuing education must be presented as a prerequisite to each license renewal or reinstatement.~~

~~(2)(a) Effective July 1, 1996, the number of required continuing education credit hours will be increased from twenty-four to thirty-two hours for each two-year licensing period.~~

~~(b)(i) Resident and nonresident licensees engaged in the transaction of long-term care insurance, long-term care partnership insurance, or both, are required to take an approved six-hour course on long-term care, long-term care partnership, or both, every two years. The commissioner shall prescribe the content of the course. Each course shall be approved by the commissioner in advance.~~

~~(ii) Effective January 1, 1998, a resident or nonresident licensee shall not submit an application for a long-term care or long-term care partnership policy to an issuer unless he or she has completed the approved course.~~

~~(iii) The approved six-hour course may count towards the thirty-two required continuing education credit hours set forth in (a) of this subsection.~~

~~(iv) An issuer of long-term care or long-term care partnership policies shall annually certify to the commissioner that:~~

~~(A) Its affiliated resident and nonresident licensees involved in the transaction of long-term care or long-term care partnership policies have completed the approved six-hour course requirement every two years; and~~

~~(B) The issuer has only accepted applications from resident and nonresident licensees in compliance with the provisions of (b)(i) of this subsection.~~

~~The certification shall be filed with the commissioner on or before March 31 of each year.~~

~~(c) Each course credit applied toward satisfaction of the continuing education requirement must have been completed within the twenty-four month period immediately preceding the licensee's assigned license renewal date and the credit may not have been used previously to comply with the continuing education requirement.~~

~~(3) The course participated in and for which credit is received shall be reported to the commissioner as part of the application for license renewal and shall be subject to verification by audit.~~

~~(4) An approved course for which the licensee has previously claimed credit may be repeated for credit after a period of three years from the previous completion date.~~

~~(5) The licensee must retain the certificate of completion for three years from the date on the certificate and must present the original of such certificate upon request of or audit by the commissioner.)~~ All individual resident agents, brokers and solicitors licensed to sell life, disability, property and casualty lines of insurance must meet the continuing education requirement.

Individual agents and solicitors licensed to sell vehicle insurance must meet the continuing education requirement beginning with January 1, 2007, renewals.

NEW SECTION

WAC 284-17-222 Who is exempt from the continuing education requirements? All individual resident agents licensed under chapter 48.17 RCW to sell credit life and disability, credit casualty, travel, and surety lines of insurance are exempt from the continuing education requirement. Resident adjusters are exempt from the continuing education requirement.

NEW SECTION

WAC 284-17-224 How many continuing education credits do I need? Currently you are required to complete thirty-two hours of approved continuing education for each license renewal cycle. Effective January 1, 2006, you will be required to complete twenty-four hours of approved continuing education, including three hours of ethics education.

NEW SECTION

WAC 284-17-226 What is required as proof of completion of a course? The course provider will issue you a certificate of completion within fifteen days of completion of the course. For designation courses the passing grade report will be accepted in lieu of a certificate of completion.

NEW SECTION

WAC 284-17-228 What is required for a self-study course? The completion date for a self-study course must be reasonable in relation to the purchase date to allow for adequate time for course completion. For example, if a course is approved for twenty-four hours of continuing education credit, there must be at least three days difference between the course purchase and the completion dates. This information will be verified on the continuing education certificate issued for the course completion. It is assumed that no more than eight course hours can be completed in a single twenty-four hour period.

AMENDATORY SECTION (Amending Order R 89-10, filed 9/15/89, effective 10/16/89)

WAC 284-17-230 ((Eligible courses--Advance approval required.)) May I take any approved continuing education course?

~~((1) Courses eligible for approval to satisfy the continuing education requirement are those courses demonstrating a direct and specific application to insurance.~~

~~(a) General education courses and sales motivation courses shall not be eligible for approval.~~

~~(b) Courses shall present accurately all statutory and regulatory requirements then applicable or published by the code reviser at the time the course is offered.~~

~~(2) All courses must be approved prior to the beginning of study in order to be applied toward the satisfaction of the continuing education requirement.~~

~~(3) Approval of the course is valid for the provider that originally submitted the course to the commissioner, and is not transferable to any other entity.~~

~~(4) The commissioner shall assign an identifying certification number to each approved course. The certification number shall be listed on each certificate of completion issued by the provider.~~

~~(5) The provider shall issue a certificate of completion to each licensee who has satisfactorily completed the course, within fifteen days after completion or within fifteen days of the date the course was approved by the commissioner, whichever event is later.)) Yes, the only required subject is three hours of ethics per renewal period.~~

NEW SECTION

WAC 284-17-232 When must I meet the continuing education requirement? If you are a resident individual licensee with the lines of authority of life, disability, property, casualty or vehicle, you must complete the continuing education requirement as a prerequisite to renewing your license(s). Courses must be completed within the twenty-four months prior to the month of the renewal or reinstatement.

NEW SECTION

WAC 284-17-234 What happens if I am late renewing my license? If your renewal is late, you cannot act under the license until your renewal is processed. Late fees are as follows:

Days late	Surcharge
1 - 30	50% of fee

31 - 60	100% of fee
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After sixty days from your expiration date, your license and all associated appointments and affiliations are terminated.

If your request and fee for license renewal is not received by the expiration date, your authority conferred by the license ends on the expiration date.

NEW SECTION

WAC 284-17-236 What happens if my renewal is received prior to expiration but is incomplete due to the submission of an invalid course(s), an incorrect fee or noncompletion of the renewal notice? If your request and fee for license renewal is not received by the expiration date, your authority conferred by the license ends on the expiration date. If your request and fee for license renewal is received by the expiration date, you may continue to act under your license until the issuance of the renewed license or until the expiration of fifteen calendar days after you were notified that your request for renewal has been refused.

NEW SECTION

WAC 284-17-238 What happens if I do not meet the continuing education requirement? If the continuing education requirement is not met, your license expires and is no longer valid. All appointments and affiliations will be canceled.

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-240 ((Courses specifically approved.)) Can I reinstate my license? ((~~(1) The following courses are approved as they exist on the date this regulation is adopted, for the credit hours stated:~~

~~(a) Any part of the life underwriter training council life course curriculum (50 hours credit) or health course curriculum (25 hours credit).~~

~~(b) Any part of the American College "CLU" diploma curriculum (30 hours credit), and its advanced study programs; Chartered Life Underwriter Institutes conducted by the American Society of CLU.~~

~~(c) Any part of the Insurance Institute of America's program of insurance (20 hours credit).~~

~~(d) Any part of the American Institute for Property and Liability Underwriter's Chartered Property Casualty Underwriter (CPCU) professional designation program (30 hours credit).~~

~~(e) Any part of the certified insurance counselor program (25 hours credit).~~

~~(f) Insurance related courses taught by a college or university that is accredited by the Northwest Association of Schools and Colleges, for which credit is granted.~~

~~(2) Changes in the above identified courses shall be presumed to be approved by the commissioner unless the sponsoring organization is advised of disapproval.~~

~~(3) Programs for which credit hours are not shown shall receive such credit hours as are approved by the commissioner.))~~

(1) Yes, you may reinstate your license without retesting if no more than two years has passed since your license expired or was canceled. To reinstate you must submit the following:

(a) An application (INS-14) or your last renewal notice;

(b) Continuing education certificates for twenty-four hours of continuing education;

(c) Either an appointment or affiliation (INS-18); and

(d) The appropriate fee.

(2) After two years, you will have to take prelicensing education, and a license exam and submit a new application complete with a fingerprint card and the requisite fees.

NEW SECTION

WAC 284-17-242 How long do I have to keep the course completion certificates? You must keep the original certificates for at least three years.

NEW SECTION

WAC 284-17-244 How do I request individual approval for my attendance of an insurance related course that is not already approved? You may attend and request credit for completion of an insurance related course organized and conducted by an entity that is not already approved as a provider. The OIC will make an informed determination as to the educational value of the course. You must submit the following:

(1) Proof of attendance by signature of the instructor(s) or person in charge verifying licensee's attendance;

(2) Sufficient supporting materials regarding course content; and

(3) Credit hours sought.

NEW SECTION

WAC 284-17-246 Can I get continuing education credit for attending an insurance related college course? Yes, continuing education credits are granted for college level courses on approved subjects by submitting a transcript showing completion of the course. Hours are determined as follows:

(1) Twelve hours will be assigned for each college quarter credit hour.

(2) Sixteen hours will be assigned for each college semester credit hour.

NEW SECTION

WAC 284-17-248 How long are my certificates of completion valid? Certificates of completion are valid for twenty-four months from the course completion date.

AMENDATORY SECTION (Amending Order R 94-14, filed 6/28/94, effective 7/29/94)

WAC 284-17-250 ~~((Courses conducted by self-certifying organizations.))~~ Can I repeat a continuing education course?

~~((1) Insurance companies, insurance trade associations and statewide associations of agents or brokers that have an existing formal, and demonstrable, training program may become self-certifying organizations. Upon request to and approval by the commissioner, such self-certifying organizations are authorized to develop course content and conduct approved courses on the subjects that are the organization's focus, without the requirement for prior individual course review and approval by the commissioner.~~

~~(2) Local chapters of each self-certifying statewide association of agents or brokers may submit proposed courses to the statewide organization and, upon a determination by the statewide organization that the local chapter's course meets the standards of the organization and complies with this continuing education regulation, such local chapter's course shall be considered to be a course of the statewide association of agents or brokers and shall be presumed to be approved by the commissioner.~~

~~(3) Requests for training program review, and authority to develop course content and to conduct courses without prior individual course approval, must include the following information:~~

~~(a) The name of the organization.~~

~~(b) A description of the existing training program of the organization including:~~

~~(i) The titles and descriptions of courses taught during the previous year.~~

~~(ii) The number of licensees taught, by course, during the previous year.~~

~~(iii) The name of the person in charge of the training program and a description of her or his experience, including years of full-time training experience and years with past and present organizations.~~

~~(iv) Budget of the training program for the current year.~~

~~(c) A description of the manner in which courses will be developed to comply with the continuing education regulation and reviewed prior to course conduct.~~

~~(d) A statement by the responsible employee or officer of the organization agreeing to comply with regulations in developing courses and attributing credit hours to those courses.~~

~~(e) An agreement to provide a certificate of completion, showing credit hours earned, to each successful student.~~

~~(f) An agreement to maintain records of licensees' course completions for three years.~~

~~(g) Any catalogue, brochure, or other similar publication applying to the continuing education requirement.~~

~~(4) The grant of authority to an organization to develop course content and conduct courses without prior individual course approval shall be for a period of time not to exceed two years. Approvals may be renewed by the commissioner, upon the request of any self-certifying organization that has complied with statutes and regulations governing insurance education. The actual conduct and performance of the training program shall be subject to review by the commissioner.~~

~~(5) Organizations that have been authorized to develop course content and conduct courses without prior individual course approval shall file, within ten calendar days of the date any course is first presented, a course outline for each course with the commissioner. The course outline shall include:~~

~~(a) A description of the subject matter to be taught.~~

~~(b) The method of teaching or presentation.~~

~~(c) The number of classroom contact hours.~~

~~(d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.~~

~~(e) The number of continuing education credit hours assigned to each course.~~

~~(f) Other relevant information.~~

~~(6) The self-certifying organization shall apply to the commissioner for a certification number for the course; such number shall appear on each certificate of completion issued to each licensee who successfully completes the course.~~

~~(7) Assignment of continuing education credit hours to courses, by self-certifying organizations, shall be subject to~~

~~review and revision by the commissioner as necessary to ensure consistency in the number of credit hours assigned to comparable courses-))~~ Yes, you can repeat a course with the same course number after three years from the previous completion date.

NEW SECTION

WAC 284-17-252 If I have excess hours (hours that exceed the minimum required for license renewal), can I carry them over to my next license renewal? No, excess hours cannot be carried over to the next license renewal.

NEW SECTION

WAC 284-17-254 How can I be granted a waiver of the continuing education requirements? If you believe good cause exists, you may request a waiver of the continuing education requirement. Requests must be in writing at time of renewal of your license and specify in detail the reason why you believe a waiver is merited.

(1) Retirement waiver. If your request for a waiver is based upon your retirement, your request must be accompanied by a statement attesting that:

- (a) You are least sixty-five years of age;
- (b) You are retired from selling insurance products; and
- (c) You no longer represent any insurer either directly or through an affiliation with a business entity.

(2) Medical waiver. If your request for a waiver is based upon a medical condition, your request must be accompanied by a physician's statement of your illness or injury.

(3) Military waiver. If your request for a waiver is based upon activation to military service, your request must be accompanied by a copy of the "Letter of Mobilization" and your representative's (the individual given power-of-attorney by the licensee) name and address so that your license renewal notice can be sent to your representative. Your representative must sign the renewal. The renewal and fees must be returned to the OIC. The OIC may waive the continuing education requirement for renewal of your license for the duration of active military service.

A waiver is only valid up to two years from the licensee's regular license renewal date.

NEW SECTION

WAC 284-17-256 If I instruct a class, how many approved credits will I receive? You will receive twice the amount of approved credits if you instruct the entire course.

LONG-TERM CARE (LTC) SPECIAL EDUCATION

NEW SECTION

WAC 284-17-258 What is the long-term care (LTC) special education requirement? Resident and nonresident agents engaged in the transaction of LTC insurance or long-term care partnership (LTCP) insurance are required to take an approved six-hour course on LTC or LTCP before soliciting, selling, or otherwise transacting these types of insurance business as to such products with consumers. The four-hour refresher LTC special education course must be taken every two-year renewal period subsequent to the initial six-hour course. The OIC prescribes the content of the course. Each course must be approved by the OIC in advance.

This requirement does not apply to licensees receiving override commissions on LTC transactions if the licensee has had no contact with the consumer.

AMENDATORY SECTION (Amending Order R 94-14, filed 6/28/94, effective 7/29/94)

WAC 284-17-260 ~~((Courses individually approved.))~~ Who is required to complete the LTC special education requirement? ~~((Organizations or individuals not included in WAC 284-17-240 or 284-17-250 wanting to offer approved continuing education courses may submit their request(s) for individual course approval to the commissioner.~~

~~(1) Such requests for course approval must be submitted on forms prescribed by the commissioner.~~

~~(2) The request for course approval shall include:~~

~~(a) A copy of the course material that is requested to be approved.~~

~~(b) An explanation of the method of teaching or presentation.~~

~~(c) The number of classroom contract hours.~~

~~(d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.~~

~~(e) The number of continuing education credit hours for which approval is requested; and an estimate of the number of times the proposed course is to be offered.~~

~~(f) An agreement to provide a certificate of completion showing credits earned, to each successful licensee; and to~~

~~retain, for a minimum period of three years, records of all certificates issued.~~

~~(g) An agreement by the responsible official to comply with regulations in conducting courses.~~

~~(3) A specific determination of course approval and assignment of credit hours will be made by the commissioner in accordance with the terms of WAC 284-17-230. No course for which individual course approval is required may be represented as being approved prior to actual approval. Approval of an individual course is valid for a maximum period of twenty-four months from the original approval date.))~~ Both resident and nonresident agents who transact LTC business must complete the six-hour LTC special education course and must complete the four-hour refresher course per renewal period.

NEW SECTION

WAC 284-17-262 Who must certify completion of the LTC special education and when is the certification due? Each insurer that has approved LTC policies must certify yearly that all agents have completed the LTC special education prior to selling the LTC product. This certification is to be delivered to the OIC yearly on or before March 31st.

NEW SECTION

WAC 284-17-264 May I use the LTC special education course for continuing education? If you are a resident agent and you take an LTC special education course that has also been approved for continuing education, you may use the hours toward your required twenty-four hours.

PROVIDER

AMENDATORY SECTION (Amending Order R 89-10, filed 9/15/89, effective 10/16/89)

WAC 284-17-270 ((Credit for courses.)) How do I become a provider? ~~((1) No course shall be established for less than one continuing education credit. Courses conducted in conjunction with other nonqualifying activities or subject matter must have a separate continuing education course component in order to qualify the courses for approval.~~

~~(2) The provider of a course must maintain a positive attendance record, consisting of a sign in - sign out register, in order to qualify the course for continuing education credit. The provider must retain such registers, or any other evidence of satisfactory completion, for a period of three years from the date of completion.~~

~~(3) The instructor of an approved course shall receive twice the number of credit hours for teaching a course as is earned by a licensee completing the course. Such instructor may not, however, claim continuing education credit for completing or teaching a course for which he or she has previously claimed credit.))~~ To become a continuing education provider, you must meet the standard as required in RCW 48.17.563(1) and complete the provider application (form CEPROVIDER), available on the OIC website or upon request from the OIC.

NEW SECTION

WAC 284-17-272 What are the responsibilities of an approved provider? An approved provider is responsible for:

- (1) Providing the OIC with the name of a contact person who is the responsible person for the provider;
- (2) Hiring and supervising instructors who are trustworthy, competent, and knowledgeable;
- (3) Providing adequate supervision over instructors;
- (4) Notifying, in a format as required by OIC, the OIC with a course schedule at least ten calendar days prior to the course date;
- (5) Identifying a monitor, an individual who is responsible for verification of class attendance and course content completion;
- (6) Maintaining a roster, consisting of a sign-in/sign-out register for lecture courses;
- (7) Maintaining a purchase and completion roster for self-study courses;
- (8) Filing the roster in a format as required by OIC, within ten days;
- (9) Issuing course completion certificates within fifteen days of completion of course;
- (10) Maintaining records for a period of three years from completion date of the course.

NEW SECTION

WAC 284-17-274 Is there a fee to become an approved provider or for course approval? No fee is required to become a provider or for the approval of a course.

NEW SECTION

WAC 284-17-276 Will I be issued a provider number? Yes. You will be given a provider number that must be included on all certificates of completion.

NEW SECTION

WAC 284-17-278 How do I get a course approved? You must submit a request for approval to the OIC prior to offering the course. This request must include the following:

- (1) Lecture (classroom);
 - (a) Completed course approval request form;
 - (b) Content outline which includes topics and time;
 - (c) Biography or resume of instructor;
 - (d) Date(s) that course is to be offered.
- (2) Self-study;
 - (a) Completed course approval request form;
 - (b) Study material;
 - (c) Sample exams.

AMENDATORY SECTION (Amending Order R 89-10, filed 9/15/89, effective 10/16/89)

WAC 284-17-280 (~~(Approved courses or self-certifying organizations--Loss of approval.)~~) What courses are eligible for approval?

(1) (~~(The approval of a course, or of a self-certifying organization, may be suspended or revoked if the commissioner determines that:~~

~~(a) The content of an individually approved course was significantly changed without notice to and approval from, the commissioner.~~

~~(b) A certificate of completion was issued to any individual who did not complete the course.~~

~~(c) A certificate of completion was not issued to any individual who satisfactorily completed the course.~~

~~(d) The actual instruction of the course is determined by the commissioner to be inadequate.~~

~~(e) In the commissioner's discretion, the course or courses offered by a self-certifying organization fail to meet the objectives and requirements of the statutes and regulations requiring continuing education for insurance agents and brokers.~~

~~(f) The provider failed to comply with the commissioner's request for submissions of updated descriptions of any course offerings; or records, course materials, or audit information were not provided within fifteen days of the commissioner's request.~~

~~(g) The provider, or any of its employees or contractors involved in insurance education, has violated insurance laws~~

~~including, but not limited to the regulations contained in this chapter.~~

~~(2) If the commissioner finds under this chapter, that disciplinary action against any provider is appropriate, the commissioner may exercise the discretion to suspend or revoke all approvals of that provider's concurrent offerings, and refuse to approve submissions of previously approved courses.~~

~~(3) Reinstatement of a suspended or revoked approval shall be at the discretion of the commissioner after receipt of satisfactory proof that the conditions responsible for the suspension have been corrected.))~~ Courses eligible for approval to satisfy the continuing education requirement are:

(a) Courses demonstrating a direct and specific application to insurance; and

(b) Courses presenting information relevant to insurance related statutory and regulatory requirements.

(2) General education, sales, motivation, management, leadership, automation, and prelicense training courses are not eligible for approval, unless the provider can demonstrate that a substantial portion of the course relates to the business of insurance and is not solely focused on an individual insurer's product.

NEW SECTION

WAC 284-17-282 Will I be issued a course number? Yes, you will be issued a course number at the time of approval of the course. This number must be included on all certificates of completion for that course.

NEW SECTION

WAC 284-17-284 What courses are specifically approved? (Designation courses.) (1) The following courses are approved for the maximum number of hours required per renewal period:

(a) Any part of the American College Life Underwriting Training Council (LUTC) designation program.

(b) Any part of the American College Chartered Life Underwriter (CLU) designation program and advanced study programs.

(c) Any part of the Insurance Institute of America's program of insurance.

(d) Any part of the American Institute for Chartered Property Casualty Underwriter (CPCU) designation program.

(e) Any part of the Certified Insurance Counselor (CIC) program.

(f) Any part of the Health Insurance Association of America (HIAA) designation program.

(g) Any part of the Certified Employee Benefit Specialist (CEBS) designation program.

(h) Any part of the Life Office Management Association (FLMI) designation program.

Changes in the above identified courses are presumed to be approved by the OIC unless the sponsoring organization is advised of disapproval.

(2) The OIC may approve additional designation courses of similar substance.

NEW SECTION

WAC 284-17-286 How are credit hours assigned to a course?

The number of credit hours assigned to a course will normally be based upon the number of classroom hours or their equivalent for self-study correspondence courses. However, the number of credit hours assigned may be less than the total amount of time spent by the licensee in the course, based upon an evaluation of the course content. No course will be approved for less than one hour of continuing education credit.

NEW SECTION

WAC 284-17-288 What attendance records must the provider maintain? The provider of a course must maintain an attendance record. This would consist of a sign-in/sign-out register for lecture courses and purchase and completion records for self-study courses.

AMENDATORY SECTION (Amending Order R 94-14, filed 6/28/94, effective 7/29/94)

WAC 284-17-290 ~~((Waiver of continuing education requirement.))~~ How long must the provider maintain the attendance or purchase and completion records? ~~((1) Any licensee who believes that good cause exists, may request a waiver of the continuing education requirement. Requests shall be in writing, received prior to the expiration of the licensee's existing license and specify in substantive detail the reason or reasons why the licensee believes a waiver of the continuing education requirement for the current license renewal is merited.~~

~~(2) Any request for a waiver which is based upon the licensee's retirement shall be accompanied by a statement attesting that the licensee:~~

~~(a) Is at least sixty-five years of age;~~

~~(b) Is retired from active selling of insurance products;~~
and

~~(c) No longer represents any insurer.~~

~~(3) If the conditions upon which a waiver was granted change, the licensee shall notify the commissioner in writing within fifteen days, and may be required to satisfy the continuing education credit hours which would have been prerequisite to license renewal had the waiver not been granted. Violation of the conditions of this waiver may result in assessment of a fine, revocation of license, or both.~~

~~(4) Any request for a waiver which is based upon medical considerations shall be accompanied by a physician's statement of the applicant's illness or injury.~~

~~(5) No waiver shall be valid for a period in excess of two years from the applicant's regular license renewal date.))~~ The provider must retain such registers, or any other evidence of satisfactory completion, for a period of three years from the date of course completion. The records may be retained in an electronic format.

NEW SECTION

WAC 284-17-292 What must be included on a certificate of completion? The certificate of completion must be in the form specified by OIC and include the following:

- (1) Name of student;
- (2) Course title and number;
- (3) Date of purchase of course, if applicable;
- (4) Date of completion;
- (5) Number of credit hours;
- (6) Provider name and number;
- (7) Signature of instructor or monitor and date; and
- (8) Certification of completion by student.

NEW SECTION

WAC 284-17-294 Do I have to renew my approval as a provider? No. Your approval as a provider does not need to be renewed as long as you have received approval for a course within the last four years.

NEW SECTION

WAC 284-17-296 Do I have to renew an approval of a course? Yes, a course must be renewed every two years. A renewal notice will be sent by the OIC and must be completed and returned with a copy of the current course material for a correspondence course or outline for a lecture course. If substantial changes have been made in the course curriculum, it should be submitted as a new course.

NEW SECTION

WAC 284-17-298 Must I submit an electronic attendance roster? Yes, the provider will be required to submit the attendance roster in a format as determined by OIC.

NEW SECTION

WAC 284-17-301 Does the commissioner have the authority to levy a fine against a CE provider or revoke or suspend a CE provider's approval? After hearing or upon stipulation by the CE provider, and in addition to or in lieu of the suspension, revocation, or refusal to renew any such CE provider approval, the commissioner may levy a fine upon the CE provider.

(1) For each offense the fine shall be an amount not more than one thousand dollars.

(2) The order levying such fine shall specify that the fine must be fully paid not less than fifteen nor more than thirty days from the date of the order.

(3) Upon failure to pay any such fine when due, the commissioner shall revoke the approval of the CE provider, if not already revoked.

The fine may be recovered in a civil action brought on behalf of the commissioner by the attorney general. Any fine so collected will be paid by the commissioner to the state treasurer for the account of the general fund.

NEW SECTION

WAC 284-17-302 What actions by a provider could result in a fine? The following actions may result in a fine:

(1) Advertising or offering a course without prior approval;

(2) Not following the approved course outline;

(3) Issuing fraudulent completion certificates; and

(4) Recruitment within an advertisement or during the hours of a course presentation.

(5) The provider has failed to comply with or has violated any statute or regulation pertaining to insurance continuing education providers.

NEW SECTION

WAC 284-17-304 Can the approval of a provider be suspended or revoked? (1) Yes, the approval may be suspended or revoked if:

(a) The provider or its employees involved in insurance education have violated any of the provisions of Title 48 RCW or Title 284 WAC; or

(b) The OIC finds under these titles that disciplinary action against any provider is appropriate; the OIC may exercise the discretion to suspend or revoke the provider approval and all of its courses.

(2) Reinstatement of a suspended or revoked approval shall be at the discretion of the OIC after receipt of satisfactory proof that the conditions responsible for the suspension have been corrected.

NEW SECTION

WAC 284-17-306 Can an approval of a course be suspended or revoked? (1) Yes, the approval of a course may be suspended or revoked if the OIC determines that:

(a) The content of an approved course was significantly changed without notice to and approval from, the OIC;

(b) A certificate of completion was issued to any individual who did not complete the course;

(c) A certificate of completion was not issued to any individual who satisfactorily completed the course;

(d) The actual instruction of the course is determined by the commissioner to be inadequate; or

(e) The provider failed to comply with the OIC's request for submissions of updated descriptions of any course offerings; or records, course materials, or audit information were not provided within fifteen days of the OIC's request.

(2) Reinstatement of a suspended or revoked approval is at the discretion of the OIC. The OIC must receive satisfactory proof that the conditions responsible for the suspension have been corrected.

NEW SECTION

WAC 284-17-308 May I advertise a course prior to approval? No, a course should not be advertised prior to approval.

AMENDATORY SECTION (Amending Order R 89-10, filed 9/15/89, effective 10/16/89)

WAC 284-17-310 (~~When continuing education requirement must be met.~~) What must a course advertisement include? (~~(1) Each licensee, as defined in WAC 284-17-210(3), shall present evidence of completing the continuing education requirement, prior to license renewal or reinstatement.~~

~~(2) Such evidence shall include specific information on the approved course or courses the licensee completed to satisfy the continuing education requirement.~~

~~(3) Each credit applied to satisfy the continuing education requirement must have been earned, by completing the relevant~~

~~course, before the licensee applies for renewal or reinstatement.))~~ A course advertisement must include:

- (1) The provider name;
- (2) The course title;
- (3) A brief description of the course;
- (4) The number of credit hours applied for or approved;
- (5) The location;
- (6) The date and time; and
- (7) The cost of the course.

NEW SECTION

WAC 284-17-312 Does Washington participate in the NAIC Uniform Continuing Education Reciprocity Agreement? (1) Yes, Washington has entered into an agreement with states participating in the NAIC Uniform Continuing Education Reciprocity Agreement. With just a few state specific exceptions, a course approved by a participating state will be accepted by other participating states by submitting NAIC Uniform Continuing Education Reciprocity Course Filing Form and any required attachments.

(2) Participating states have agreed they will not review another state's CE credit hours. Instructor qualifications will also not be reviewed. A standard course filing form will be used for reciprocity filings.

(3) The agreement does not change any of a provider's current duties under Washington law. A provider must still be independently qualified as an approved provider in a participating state.

INSTRUCTOR

AMENDATORY SECTION (Amending Order R 94-14, filed 6/28/94, effective 7/29/94)

WAC 284-17-320 ~~((License renewal requested--Continuing education requirement not satisfied.))~~ What are the qualifications of an instructor? ~~((In the event that a licensee requests license renewal and fails to present evidence of completion of the continuing education requirement, the licensee shall be notified in writing of the deficiency and provided with fifteen calendar days from the renewal date or the date of notification, whichever is later, to show compliance. If the information necessary to renew the license is not received within the fifteen-day time period, the license shall lapse and become invalid. Application for renewal after that date, must be made according to the procedures of RCW 48.17.150 and 48.17.500.))~~ An instructor must be trustworthy, competent and knowledgeable in the subject area being taught.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-17-235	Exception to the advanced approval requirement.
WAC 284-17-275	Courses not approved.